

Before the
FEDERAL COMMUNICATIONS COMMISSION
 Washington, D.C. 20554

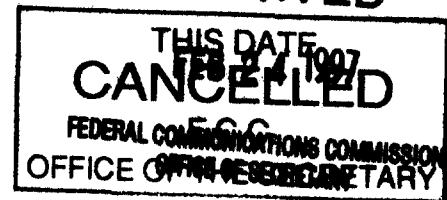
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FEDERAL COMMUNICATIONS COMMISSION
 OFFICE OF SECRETARY

In re)
)
 Amendment of Section 73.202(b))
 of the Commission's Rules, the)
 Table of Allotments for)
 FM Broadcast Stations)
 (Cheyenne, Wyoming))

MM Docket No. _____
 RM- _____

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To: Chief, Allocations Branch
 Policy and Rules Division
 Mass Media Bureau

PETITION FOR RULE MAKING AND ORDER TO SHOW CAUSE

TSB II, Inc. ("TSB II"), by its attorneys and pursuant to Section 1.401 of the Commission's rules, 47 C.F.R. § 1.401, hereby respectfully requests that the Commission amend Section 73.202(b) of its rules, the Table of Allotments for FM Broadcast Stations, to allot Channel 280C2 to Cheyenne, Wyoming as the sixth local FM service to that community and substitute Channel 239C3 for Channel 280C3 at Gering, Nebraska. In support hereof, the following is shown:

1. TSB II proposes the amendment of the FM Table of Allotments as is set forth herein to permit the allocation of Channel 280C2 to Cheyenne, Wyoming. Attached hereto as Exhibit 1 is an Engineering Report and accompanying channel spacing study which shows that the allotment of Channel 280C2 to Cheyenne satisfies all the Commission's spacing requirements for a new FM allotment as long as a substitution is made for Channel 280C3 at Gering, Nebraska.

2. Five FM radio stations are currently authorized to serve Cheyenne. However, at least two of those stations -- Stations KKAZ(FM) and KFBQ(FM) -- are currently dark, leaving

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at most three FM stations to serve a city with a 1990 Census population estimate of 50,008.

Because another operating FM station licensed to Cheyenne would create further competition in the sparsely served local radio market there, the public interest would be served by allotting Channel 280C2 to that community as its sixth local FM service.

3. The channel spacing study at Exhibit 1 shows, however, that the allotment of Channel 280C2 to Cheyenne will not meet the Commission's short spacing requirements unless a substitution is made for Channel 280C3 at Gering, Nebraska. Because it meets all of the Commission's spacing requirements for allocation to Gering at the present site of Station KOLT-FM, TSB II proposes the substitution of Channel 239C3 for Channel 280C3 at Gering. Such substitution would enable TSB II to construct and operate an FM radio station on Channel 280C2 in Cheyenne. In the event that TSB II is granted a construction permit to build a new facility to operate on Channel 280C2 in Cheyenne, it agrees to reimburse the licensee of Station KOLT-FM for the latter's reasonable expenses incurred in making the proposed change.

4. TSB II hereby certifies that it is prepared to apply for an FM radio station on Channel 280C2 in Cheyenne should such an allotment be made and an application filing window subsequently opened as a result of this rule making. When and if said application is granted, TSB II will proceed to construct the radio station without delay, and will promptly commence service to the residents of Cheyenne and the surrounding area in the public interest.

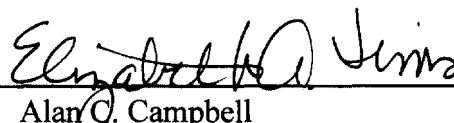
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WHEREFORE, the above premises being considered, TSB II respectfully requests that the Commission grant this petition and issue a Notice of Proposed Rule Making to amend the FM Table of Allotments, 47 C.F.R. § 73.202(b), as follows:

<u>Community</u>	<u>Present Channel(s)</u>	<u>Proposed New Channel</u>
Gering, Nebraska	280C3	239C3
Cheyenne, Wyoming	250C1, 260A, 264C1, 285A, 292C3	250C1, 260A, 264C1, 285A, 292C3, 280C2

Respectfully submitted,

TSB II, INC.

By: 
Alan C. Campbell
Elizabeth A. Sims

Its Attorneys

Irwin, Campbell & Tannenwald, P.C.
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Suite 200
Washington, D.C. 20036-3101
(202) 728-0400 (phone)
(202) 728-0354 (fax)

February 25, 1997

DECLARATION OF ALAN R. BRILL

I, Alan R. Brill, President of TSB II, Inc. ("TSB II"), under pain and penalty of perjury, do hereby declare that I have read the foregoing "Petition for Rule Making and Order to Show Cause," filed on this date by TSB II, and the facts presented therein are true and correct to the best of my knowledge, information and belief.

Date: _____

2/15/97



Alan R. Brill
President

EXHIBIT 1

**ENGINEERING STATEMENT
IN SUPPORT OF TSB II, INC.
PETITION FOR RULEMAKING
SEEKING THE ALLOTMENT
CHANNEL 280C2
CHEYENNE, WY.**

This engineering statement, prepared on behalf of TSB II, INC., supports the proposed allocation of Channel 280C2 to Cheyenne, Wyoming as its 6th (sixth) local FM service.

Exhibit 1, Channel Spacing Study, shows that Channel 280C2 may be allotted to Cheyenne if a substitution is made for Channel 280C3 at Gering, Nebraska. The coordinates used herein for the proposed allocation of Channel 280C2, North Latitude 41-08-44, West Longitude 104-47-32, represent a site near downtown Cheyenne, WY. which will put a 70 DBU over the proposed city of license. See attached map, Exhibit 2.

In order to allow for the allotment of Channel 280C2 to Cheyenne, WY. a channel substitution must be made for Channel 280C3 at Gering, Nebraska. Exhibit 3, a Channel Spacing Study, shows that Channel 239C3 meets all of the commission's mileage separation requirements for allocation to Gering, NE at the present KOLT-FM antenna site

Should TSB II, INC. be granted a construction permit to construct a new facility on Channel 280C2 at Cheyenne, WY. it will reimburse the licensee of Station KOLT-FM reasonable expenses incurred in making the proposed change.

In summary, it is requested that the commission amend the FM Table of Allotments as follows:

<u>TOWN</u>	<u>STATE</u>	<u>PRESENT</u>	<u>PROPOSED</u>
GERING	NE	280C3	239C3
CHEYENNE	WY	250C1, 260A, 264C1 285A, 292C3	250C1, 260A, 264C1 285A, 292C3, 280C2

Should the Commission need additional information concerning this matter please do not hesitate to contact this office.

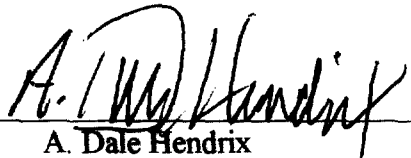
Dale Hendrix
Broadcast Consultant
872 Allen Road
Murfreesboro, TN. 37129
615-893-6777
Fax 615-848-0866

Certification

I hereby certify, subject to penalties for perjury, that the contents of this Engineering Statement are true and accurate to the best of my knowledge and belief.

January 26, 1997

A. Dale Hendrix
Broadcast Consultant
872 Allen Road
Murfreesboro, Tenn. 37129
(615) 893-6777
(615) 848-0866 (FAX)


A. Dale Hendrix

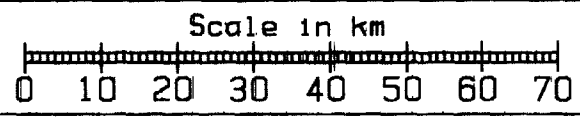
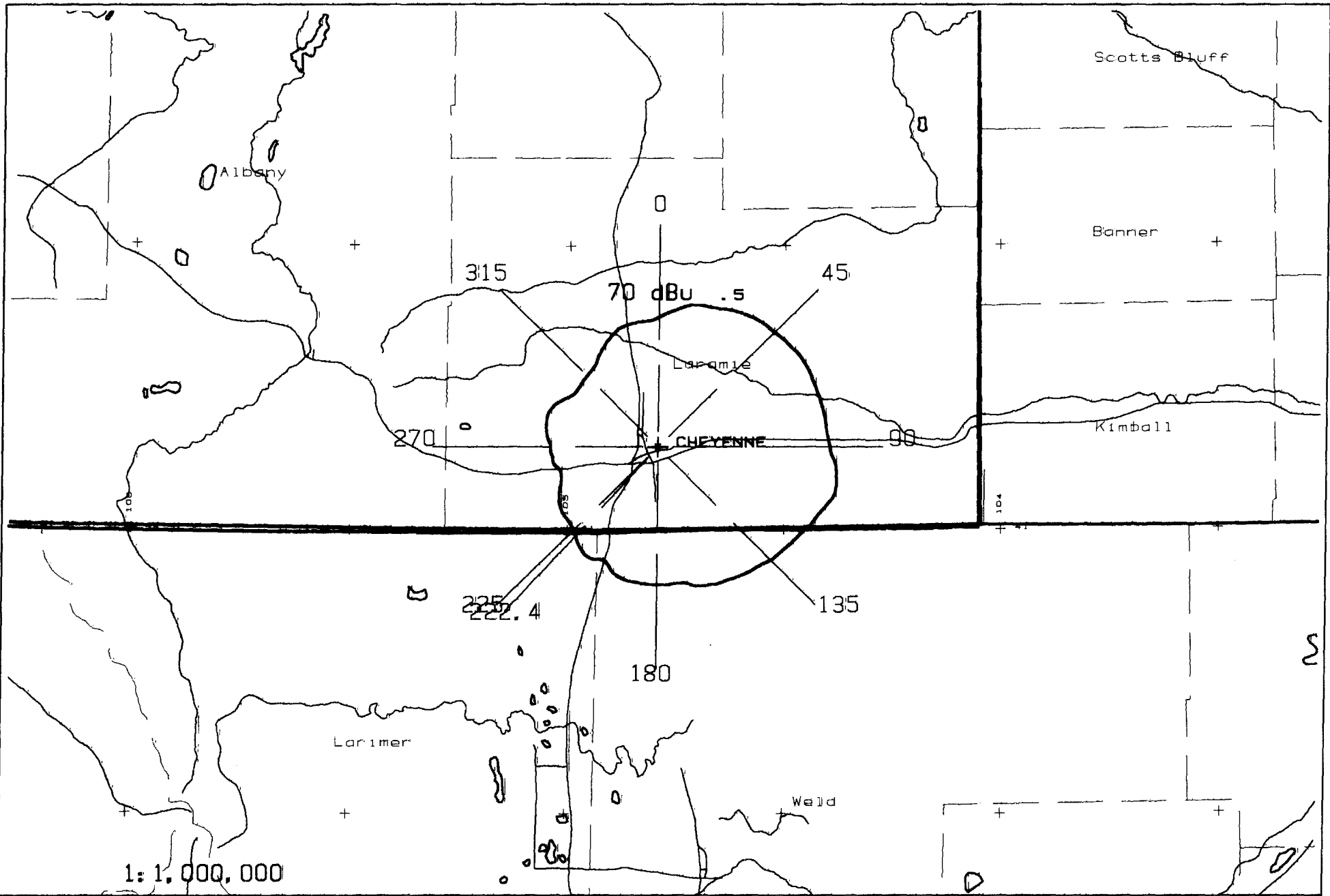
DALE HENDRIX BROADCAST CONSULTANT
872 ALLEN RD. MURFREESBORO TN 37129

CHEYENNE WY (EXHIBIT 1)

REFERENCE	ALLOCATION POINT	DISPLAY
41 8 44 N	CLASS C2	SEARCH DATE
104 47 32 W		01-26-97

----- CHANNEL 280 -103.9 MHz -----

CALL	CH#	CITY	STATE	BEAR'	D-KM	R-KM	MARGIN
KOLTFM	280C3	Gering	NE	48.7	120.82	177.0	-56.18 *
KKNG	283C3	Laramie	WY	285.9	56.89	56.0	0.89 <
KQLT	279C	Casper	WY	324.7	217.46	188.0	29.46
KQLT.C	279C	Casper	WY	324.7	217.53	188.0	29.53
KQKS	282C1	Longmont	CO	184.5	116.87	79.0	37.87
KRFX	278C	Denver	CO	193.5	161.56	105.0	56.56
AD280	280A	Calhan	CO	167.1	232.77	166.0	66.77



280C2 50kW
N. Lat. 41 08 44 W. Lng. 104 47 32

EXHIBIT 2 CHEYENNE WY
DALE HENDRIX - 01/97

DALE HENDRIX BROADCAST CONSULTANT
872 ALLEN RD. MURFREESBORO TN 37129

GERING NE (EXHIBIT 3)

KOLT LIC SITE

REFERENCE				CLASS	C3	DISPLAY	SEARCH	DATE
41	51	50	N					
103	42	20	W					
----- CHANNEL 239 - 95.7 MHz -----								

CALL	CH#	CITY	STATE	BEAR'	D-KM	R-KM	MARGIN
KSDZ	238C1	Gordon	NE	48.9	157.99	144.0	13.99
KHIH	239C	Denver	CO	208.6	269.58	237.0	32.58
KTRS	238C	Casper	WY	294.5	235.73	176.0	59.73
KCGY	236C	Laramie	WY	247.1	158.20	96.0	62.20